

FILED

JUL 12 2023

BONNIE HACKLER
Clerk, U.S. District Court

By _____
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN WAYNE DAVIS, JR.,

Defendant.

Case No.

CR 23 - 117 RAW

INDICTMENT

The Federal Grand Jury charges:

COUNT ONE

MURDER IN INDIAN COUNTRY
[18 U.S.C. §§ 1111(a), 1151, & 1153]

On or about March 16, 2023, within the Eastern District of Oklahoma, in Indian Country, the defendant, **BRIAN WAYNE DAVIS, JR.**, an Indian, did willfully, deliberately, maliciously, and with premeditation and malice aforethought, unlawfully kill G.P., in violation of Title 18, United States Code, Sections 1111(a), 1151, and 1153.

COUNT TWO

**USE, CARRY, BRANDISH, AND DISCHARGE OF A FIREARM DURING
AND IN RELATION TO A CRIME OF VIOLENCE**
[18 U.S.C. §§ 924(c)(1)(A)(i), (ii), & (iii)]

On or about March 16, 2023, within the Eastern District of Oklahoma, the defendant, **BRIAN WAYNE DAVIS, JR.**, did knowingly use, carry, brandish, and discharge a firearm, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, Murder in Indian Country, as charged in Count One of this Indictment, in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i), (ii), and (iii).

COUNT THREE

**CAUSING THE DEATH OF A PERSON IN THE COURSE OF
A VIOLATION OF TITLE 18, UNITED STATES CODE, SECTION 924(c)
[18 U.S.C. § 924(j)(1)]**

On or March 16, 2023, within the Eastern District of Oklahoma, the defendant, **BRIAN WAYNE DAVIS, JR.**, did knowingly use, carry, brandish, and discharge a firearm, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, Murder in Indian Country as charged in Count One of this Indictment, and in the course of that violation caused the death of a person through the use of a firearm, which killing is a murder, as defined in Title 18, United States Code, Section 1111(a), in that the defendant, **BRIAN WAYNE DAVIS, JR.**, an Indian, did murder and unlawfully kill G.P., with a firearm, in violation of Title 18, United States Code, Section 924(j)(1).

COUNT FOUR

**ELUDING A PEACE OFFICER IN A MANNER AS TO
ENDANGER ANY OTHER PERSON IN INDIAN COUNTRY
[18 U.S.C. §§ 1151, 1152, 13 & 21 O.S. § 540A(A) & 540A(B)]**

On or about April 3, 2023, within the Eastern District of Oklahoma, in Indian Country, the Defendant, **BRIAN WAYNE DAVIS, JR.**, an Indian, did willfully elude and attempt to elude a peace officer by increasing the speed of his vehicle and driving at a high rate of speed in such a manner as to endanger any other person after receiving a visual and audible signal, a red light and a siren, from the peace officer, driving a clearly identified official police vehicle, directing the defendant to bring his vehicle to a stop, in violation of Title 18, United States Code, Sections 1151, 1152, and 13, and Title 21, Oklahoma Statutes, Sections 540A(A) and 540A(B).


FORFEITURE ALLEGATION
[18 U.S.C. § 924(d) & 28 U.S.C. § 2461(c)]

The allegations contained in Counts One through Three of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c).

Upon conviction of the violations charged in Counts One through Three of this Indictment involving violations of Title 18, United States Code, Sections 924(c)(1)(A)(i), (ii), and (iii), 924(j)(1), 1111(a), 1151, and 1153, the defendant, **BRIAN WAYNE DAVIS, JR.**, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of the offenses.

A TRUE BILL:

CHRISTOPHER J. WILSON
United States Attorney



Jordan Howanitz, TNBA #035622
Assistant United States Attorney

Pursuant to the E-Government Act,
the original indictment has been filed
under seal in the Clerk's Office.

s / Foreperson
FOREPERSON OF THE GRAND JURY